

Privacy Notice – Direct Care (Routine care and referrals)

What data do we collect and receive about you?

Records are stored electronically and on paper and include personal details about you such as your address, carers, legal representatives, emergency contact details, as well as:

- Any appointments, visits, emergency appointments
- Notes and reports about your health
- Details about your diagnosis, treatment and care
- Details about any medication you are taking
- Results of investigations such as laboratory tests, x-rays
- Relevant information from health and care professionals, relatives or carers

We also receive information from other organisations that are caring for you that we hold in your record. This will include letters and test results.

When registering for NHS care, all patients who receive NHS care are registered on a national database, the database is held by NHS Digital, a national organisation which has legal responsibilities to collect NHS data.

GPs have always delegated tasks and responsibilities to others that work with them in their surgeries, on average an NHS GP has between 1,500 to 2,500 patients for whom he or she is accountable. It is not possible for the GP to provide hands on personal care for each and every one of those patients in those circumstances, for this reason GPs share your care with others, mainly within the surgery but occasionally with outside organisations.

If your health needs require care from others elsewhere outside this practice we will exchange with them whatever information about you that is necessary for them to provide that care. When you make contact with healthcare providers outside the practice but within the NHS it is usual for them to send us information relating to that encounter. We will retain part or all of those reports. Normally we will receive equivalent reports of contacts you have with non NHS services but this is not always the case.

Your consent to this sharing of data, within the practice and with those others outside the practice is assumed and is allowed by the Law.

People who have access to your information will only normally have access to that which they need to fulfil their roles.

You have the right to object to our sharing your data in these circumstances but we have an overriding responsibility to do what is in your best interests.

We may offer you a consultation via telephone or video conferencing. By accepting the invitation and entering the consultation you are consenting to this. Your personal/ confidential patient information will be safeguarded in the same way it would with any other consultation and any risks explained to you before the consultation begins.

1) Data Controller contact details	Frome Medical Practice, Frome Medical Centre, Enos Way, Frome, Somerset, BA11 2FH Telephone: 01373 301301
2) Data Protection Officer contact details	Kevin Caldwell GP Data Protection Officer Somerset CCG Wynford House Lufton Way Yeovil Somerset BA22 8HR Telephone: 01935 384000 Email: somccg.GPDPO@nhs.net
3) Purpose of the processing	Direct Care is care delivered to the individual alone, most of which is provided in the practice. After a patient agrees to a referral for direct care elsewhere, such as a referral to a specialist in a hospital, necessary and relevant information about the patient, their circumstances and their problem will need to be shared with the other healthcare workers, such as specialist, therapists, technicians etc. The information that is shared is to enable the other healthcare workers to provide the most appropriate advice, investigations, treatments, therapies and or care.
4) Lawful basis for processing	The processing of personal data in the delivery of direct care and for providers' administrative purposes in this surgery and in support of direct care elsewhere is supported under the following Article 6 and 9 conditions of the GDPR: <i>Article 6(1)(e) ‘...necessary for the performance of a task carried out in the public interest or in the exercise of official authority...’.</i> <i>Article 9(2)(h) ‘necessary for the purposes of preventative or occupational medicine for the assessment of the working capacity of the employee, medical diagnosis, the provision of health or social care or treatment or the management of health or social care systems and services...’</i> We will also recognise your rights established under UK case law collectively known as the “Common Law Duty of Confidentiality”*
5) Recipient or categories of recipients of the processed data	The data will be shared with Health and care professionals and support staff in this practice and at hospitals, diagnostic and treatment centres who contribute to your personal care. This includes District Nurses, Health Visitors, Dieticians, Midwives, Paramedics, Pharmacies, Somerset CCG, Diabetic Retinopathy Screening Service, DESMOND, Home Oxygen service, Integrated care team, Adastra web access, Somerset Integrated Digital Electronic Record (SIDeR), Your Health & Wellbeing, Open Exeter, Somerset Digital Diabetes Prevention Buddi & Oviva, East Mendip Federation, EMIS remote consultations, Health Connections Mendip, NHS Trusts, Frome Community Hospital, Royal United

	Hospital, Shepton Mallet Treatment Centre, Circle Bath, Bath Clinic, Royal National Hospital for Rheumatic Diseases, EMIS Web, Informatica, Scan and Collate, NHS Health Checks, ICE results, CQRS, Somerset County Council, Patient online access, SMS text messages, Emails (for direct care), e-referrals system, Health Intelligence (Child Health Information Services (CHIS)), Social Services, Citizens Advice Bureau, Mendip District Council, Apollo Medical (Eclipse), Formstack, Dorothy House Hospice, pathology laboratories and other third sector organisations supporting your direct care.
6) Rights to object	You have the right to object to some or all the information being processed under Article 21. If you wish to do so please contact the practice. You should be aware that this is a right to raise an objection, that is not the same as having an absolute right to have your wishes granted in every circumstance.
7) Right to access and correct	You have the right to access the data that is being shared and have any inaccuracies corrected. There is no right to have accurate medical records deleted except when ordered by a court of Law.
8) Retention period	The data will be retained in line with the law and national guidance. https://digital.nhs.uk/article/1202/Records-Management-Code-of-Practice-for-Health-and-Social-Care-2016
9) Right to Complain.	You have the right to complain to the Information Commissioner's Office, you can use this link https://ico.org.uk/global/contact-us/ or calling their helpline 0303 123 1113 (local rate) or 01625 545 745 (national rate)

* "Common Law Duty of Confidentiality", common law is not written out in one document like an Act of Parliament. It is a form of law based on previous court cases decided by judges; hence, it is also referred to as 'judge-made' or case law. The law is applied by reference to those previous cases, so common law is also said to be based on precedent.

The general position is that if information is given in circumstances where it is expected that a duty of confidence applies, that information cannot normally be disclosed without the information provider's consent.

In practice, this means that all patient information, whether held on paper, computer, visually or audio recorded, or held in the memory of the professional, must not normally be disclosed without the consent of the patient. It is irrelevant how old the patient is or what the state of their mental health is; the duty still applies.

Three circumstances making disclosure of confidential information lawful are:

- where the individual to whom the information relates has consented;
- where disclosure is in the public interest; and
- where there is a legal duty to do so, for example a court order.